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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules ...

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* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

**STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS**

**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF ARCHITECTS,
EXAMINING BOARD OF ARCHITECTS, : LANDSCAPE ARCHITECTS,
LANDSCAPE ARCHITECTS, : PROFESSIONAL ENGINEERS,
PROFESSIONAL ENGINEERS, : DESIGNERS AND LAND SURVEYORS
DESIGNERS AND LAND SURVEYORS : ADOPTING RULES
: (CLEARINGHOUSE RULE 09-079)**

TO: Senator Jim Holperin, Senate Co-Chairperson
Joint Committee for the Review of Administrative Rules
Room 409 South, State Capitol
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS is submitting in final draft form rules relating to entrance requirements to take the architect examination.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

Thank you.

**STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS**

**IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
EXAMINING BOARD OF ARCHITECTS, : ON CLEARINGHOUSE RULE 09-079
LANDSCAPE ARCHITECTS, : (s. 227.19 (3), Stats.
PROFESSIONAL ENGINEERS, :
DESIGNERS AND LAND SURVEYORS ;**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

The department estimates that the proposed rule will require staff time in the Division of Professional Credentialing. The total one-time salary and fringe costs are estimated at \$250. The department finds that this rule has no significant fiscal effect on the private sector.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The intent of this proposed rule is to encourage a candidate to obtain registration by making it possible for the candidate to sit for the examination immediately upon completion of their education and experience requirements, provided that the candidate has a National Architectural Accrediting Board accredited degree program and a National Council of Architectural Registration Boards established Intern Development Program training record. It is shown that the increase in the delay of eligibility to sit for the examination has an adverse impact upon the number of candidates who obtain registration. Under the current requirements, a candidate could have to wait additional time because it will take the candidate more than one year to complete the examination, which is completed in multiple stages.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on October 13, 2009. William Babcock, Wisconsin Society of Architects, Madison, WI, appeared in support of the proposed rules.

There were no other appearances and no written comments were received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report were accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats.

A-E 3.05(2) CR09-079 (Entrance requirements for architect exam) Report to Leg 12-21-09

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF
EXAMINING BOARD OF ARCHITECTS, : ARCHITECTS, LANDSCAPE
LANDSCAPE ARCHITECTS, : ARCHITECTS, PROFESSIONAL
PROFESSIONAL ENGINEERS, : ENGINEERS, DESIGNERS AND LAND
DESIGNERS AND LAND SURVEYORS : SURVEYORS ADOPTING RULES
: (CLEARINGHOUSE RULE 09-079)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors to amend A-E 3.05 (2), relating to entrance requirements to take the architect examination.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes interpreted:

Section 443.03 (1) (b) 1. and 2., Stats.

Statutory authority:

Sections 15.08 (5) (b) and 227.11 (2), Stats.

Explanation of agency authority:

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors may approve and adopt rules proposed by any section of the board.

Related statute or rule:

There are no other statutes or rules other than those listed above.

Plain language analysis:

This proposed rule-making amends the current requirement that a candidate for registration as an architect may only take the qualifying architect examination for registration within one year of the time which the candidate is scheduled to complete the required education and experience requirements. The architect section proposes that a

candidate be eligible to sit for the Architect Registration Examination (ARE) upon graduation from a National Architectural Accrediting Board (NAAB) accredited degree program. Under the current requirements a candidate could have to wait additional time because it will take the candidate more than one year to complete the examination, which is completed in multiple stages.

The intent of the proposed rule is to encourage a candidate to obtain registration by making it possible for the candidate to sit for the examination immediately upon completion of their education and experience requirements, provided that the candidate has a NAAB accredited degree program and a National Council of Architectural Registration Boards (NCARB) established Intern Development Program (IDP) training record. It is shown that the increase in the delay of eligibility to sit for the examination has an adverse impact upon the number of candidates who obtain registration.

Summary of, and comparison with, existing or proposed federal regulation:

This is not an area which is regulated by federal law or subject to any proposed federal legislation. The standards for state licensure are regulated by each state.

Comparison with rules in adjacent states:

Illinois:

Applicants can take the examination upon completion of one of several degree program paths and completing experience/training requirements. www.idfpr.com

Iowa:

Applicants can take the examination upon completion of an NAAB accredited degree program and completion of experience/training requirements.
www.state.ia.us/government/com/prof/architect/home.html

Michigan:

Applicants can take the examination upon completion of an NAAB accredited degree or board equivalent degree program. www.michigan.gov/dleg

Minnesota:

Applicants can take the examination upon completion of an NAAB accredited degree or board equivalent degree program. www.aelslagid.state.mn.us

Summary of factual data and analytical methodologies:

Currently, to be eligible to take a scheduled examination, a candidate shall submit documentation certifying that he or she has all but one year of academic credit and

qualifying architectural experience, as specified in s. 443.03 (1) (b) 1., Stats., or all but one year of qualifying architectural experience, as specified in s. 443.03 (1) (b) 2., Stats. As a result, the candidate can only take the examination within one year of the time which they are scheduled to complete the required education and experience requirements and they may have to wait additional time because it will take them more than one year to complete the examination, which is completed in multiple stages. The architect section proposes that a candidate be eligible to sit for the Architect Registration Examination (ARE) upon graduation from a National Architectural Accrediting Board (NAAB) accredited degree program. This change will make it easier for the candidate to obtain their registration immediately upon completion of their education and experience requirements for those candidates completing a NAAB accredited degree program and having an NCARB established IDP training record.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:

As this rule change only impacts the timing in which a candidate may begin the examination process, it will not affect or impact adversely small businesses or the private sector. No written analysis or formal research was involved in reaching this conclusion.

Section 227.137, Stats., requires an “agency” to prepare an economic impact report before submitting the proposed rule-making order to the Wisconsin Legislative Council. The Department of Regulation and Licensing is not included as an “agency” in this section.

Anticipated costs incurred by the private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Fiscal estimate:

The department estimates that this rule will require staff time in the Division of Professional Credentialing. The total one-time salary and fringe costs are estimated at \$250.

Effect on small business:

These proposed rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at hector.colon@wisconsin.gov, or by calling 608-266-8608.

Agency contact person:

Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-266-0495; email at pamela.haack@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email to pamela.haack@wisconsin.gov. Comments must be received on or before October 23, 2009 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. A-E 3.05 (2) is amended to read:

A-E 3.05 (2) REQUIREMENTS FOR ENTRANCE TO THE EXAMINATION. To be eligible to take a scheduled examination, the applicant shall submit documentation certifying he or she has all but one year of academic credit and qualifying architectural experience, as specified in s. 443.03 (1) (b) 1., Stats., or all but one year of qualifying architectural experience, as specified in s. 443.03 (1) (b) 2., Stats., or graduated from a national architectural accrediting board accredited degree program and obtained a national council of architectural registration boards established intern development program training record.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Chairperson
Examining Board of Architects, Landscape
Architects, Professional Engineers,
Designers and Land Surveyors



WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 09-079

AN ORDER to amend A-E 3.05 (2), relating to entrance requirements to take the architect examination.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

09-16-2009 RECEIVED BY LEGISLATIVE COUNCIL.

10-12-2009 REPORT SENT TO AGENCY.

RS:DD



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 09-079

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the plain language analysis, the use of singular and plural terms should be used consistently. For example, in the first sentence, the phrase “they are” should be replaced by the phrase “the candidate is.” In the last sentence of the first paragraph, the word “them” should be replaced by the phrase “the candidate.” [See also the rule preface discussion of the summary of factual data and analytical methodologies used to prepare the rule.]

b. In the second paragraph of the plain language analysis, the acronyms “NCARB” and “IDP” are used. Presumably, these acronyms refer to the National Council of Architectural Registration Boards and to the Intern Development Program, respectively. These entities should be fully expressed in the plain language analysis the first time they are used with the acronyms following enclosed in parentheses.